

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1705 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

SURESHBHAI R DAVE

Versus

STATE OF GUJARAT

Appearance:

MR AM RAVAL for Petitioner

MR VB GHARANIA, AGP for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/08/1999

ORAL JUDGEMENT

1. Heard learned counsel for the parties.

2. Only contention raised by the learned counsel for the petitioner that the order impugned in this Special Civil Application passed by the Appellate Authority under section 27-A of the Bombay Police Act has been passed without any opportunity of hearing.

3. The petitioner was exonerated in the departmental inquiry by order dated 3.11.1993 and this order was taken by the Reviewing Authority in its suo moto powers and it is reviewed. I find sufficient justification and merits in this contention of the learned counsel for the petitioner. The principles of natural justice has to be followed in this case by the respondents, that has not been done in the present case.

3. Learned counsel for the respondents admits that this order impugned in this Special Civil Application by the petitioner has been passed without notice and opportunity of hearing to the petitioner. Only on this ground, this petition succeeds and the same is allowed. Impugned order dated 15.2.1995 Annexure-F passed by the Director General of Police, Ahmedabad is quashed and set aside. However, it is open to the said authority to pass a fresh order after giving notice and opportunity of hearing to the petitioner. Rule is made absolute in the aforesaid terms. No order as to costs.

(S.K.Keshote,J.)

(pathan)